

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and the Estate of  
Bernard L. Madoff,

Adv. Pro. No. 10-04971 (SMB)

Plaintiff,

v.

ESTATE OF RICHARD M. STARK,

RICHARD M. STARK ARTICLE FIFTH TRUST,

BETTY STARK, individually, as executor of the  
Estate of Richard M. Stark and as beneficiary of the  
Richard M. Stark Article Fifth Trust,

THOMAS L. STARK, as beneficiary of the Richard  
M. Stark Article Fifth Trust, and

HILARY M. STARK, as beneficiary of the Richard  
M. Stark Article Fifth Trust,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and the Estate of Richard M. Stark, Richard M. Stark Article Fifth Trust, Betty Stark, individually, as executor of the Estate of Richard M. Stark and as beneficiary of the Richard M. Stark Article Fifth Trust, Thomas L. Stark, as beneficiary of the Richard M. Stark Article Fifth Trust, and Hillary M. Stark, as beneficiary of the Richard M. Stark Article Fifth Trust (the “Defendants”), by and through their counsel, Otterbourg, P.C. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Defendants.
2. On October 3, 2011, Defendants served an answer on the Trustee.
3. On January 25, 2018, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Adv. Pro. No. 08-01789, Dkt. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the above-captioned adversary proceeding. Upon receipt of the full settlement payment, and provided there is no default under the settlement agreement, the dismissal hereunder shall become with prejudice.
5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties

of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: February 1, 2018  
New York, New York

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for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate  
of Bernard L. Madoff*

**OTTERBOURG P.C.**

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*Attorneys for Defendants Thomas L. Stark, Hilary  
M. Stark, Estate of Richard M. Stark, Richard M.  
Stark Article Fifth Trust, and Betty  
Stark*

**SO ORDERED**

Dated: **February 1<sup>st</sup>, 2018**  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE